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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. The Deputy Registrar of the International Court of Justice, by a cable dated 14 August 1991, informed the Secretary-General of the death of Judge Taslim Olawale Elias (Nigeria) on 14 August 1991, and of the occurrence of a vacancy in the Court as a result of that death.

2. Judge Elias was first elected as a member of the Court to serve from 6 February 1976 for a period of nine years, and was re-elected as from 6 February 1985. His present term of office would have expired on 5 February 1994. In accordance with the terms of the Statute of the International Court of Justice, the General Assembly and the Security Council will therefore have to elect a member of the Court to serve for the remainder of Judge Elias' term until 5 February 1994.

3. Article 14 of the Statute provides:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting. The Secretary-General expects to invite nominations for the vacancy caused by the death of Judge Elias by communications immediately after the Security Council has set the date of election, but in any event no later than 14 September 1991.